

HCS HB 77 -- VEXATIOUS LITIGATION

SPONSOR: McGaugh

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 9 to 2.

This bill specifies that in any litigation pending in any court of this state, a defendant may move the court at any time until final judgment is entered, upon notice and hearing, for an order requiring the plaintiff to furnish security or for an order dismissing the litigation. The motion must be based upon the grounds and supported by a showing that the plaintiff is a vexatious litigant and there is not a reasonable probability that he or she will prevail in the litigation against the moving defendant. The bill specifies various procedures in the event such a motion is filed, as well as procedures the court must follow if it finds the plaintiff to be a vexatious litigant.

A vexatious litigant subject to a prefiling order may file an application to vacate the prefiling order. A vexatious litigant whose application was denied must not be permitted to file another application for one year after the date of the denial of the previous application.

A court may vacate a prefiling order and order removal of a vexatious litigant's name from the state courts administrator list of vexatious litigants subject to prefiling orders upon a showing of a material change in the facts upon which the order was granted and that it is just in vacating the order.

This bill is similar to HB 1834 (2016).

PROPOSERS: Supporters say that this is not meant to close the door to meritorious claims. Plaintiffs are able to remove their status as vexatious litigants by proving their cases have merit.

Testifying for the bill was Representative McGaugh.

OPPOSERS: There was no opposition voiced to the committee.